

for a second removal. *TKI, Inc. v. Nichols Research Corp.*, 191 F.Supp.2d 1307, 1312-13.

As applied to the case at bar, the plaintiff previously secured an order from this Court remanding this action by unequivocally stating that “the amount in controversy is less than \$75,000.00.” Def. Exh. 1 at p. 6.¹ The plaintiff subsequently contradicted his assertion by declaring emphatically that he “did not limit his damages to \$75,000.” Def. Exh. 4 at p. 2. Despite plaintiff’s present attempt to diminish the effect of this contradictory declaration, the Court agrees that the assertion constitutes an admission that the plaintiff seeks and is willing to accept more than \$75,000 and that, therefore, the amount in controversy exceeds \$75,000. Diversity jurisdiction does indeed, therefore, exist in this case. Consequently, it is **ORDERED** that plaintiff’s motion to remand be and is hereby **DENIED**.

In view of the above, the Court has re-examined Ocwen’s motion to stay (Doc. 5) and the Court’s Order of May 5, 2005 denying same (Doc. 6). Based upon such reconsideration, the Court concludes that this action should now be stayed pending resolution of Ocwen’s efforts to obtain the transfer of this action for consolidation into *In re: Ocwen Federal Bank FSB Mortgage Service Litigation*, MDL No. 1604, pending in the Northern District of Illinois. It is therefore **FURTHER ORDERED** that the Court’s Order of May 5, 2005 (Doc. 6) be and is hereby **VACATED** and, in lieu thereof, that Ocwen’s motion to stay (Doc. 5) be and is hereby **GRANTED** in that this action is hereby

¹See also, *Capers v. Ocwen Federal Bank, FSB*, Civil Action No. 04-626-BH-L, at Motion to Remand (Doc. 11) at p. 6.

STAYED pending a decision from the Judicial Panel on Multidistrict Litigation (“JPML”)

on Ocwen’s request for transfer and multidistrict consolidation.

DONE this 12th day of May, 2005.

s/ W. B. Hand
SENIOR DISTRICT JUDGE